

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HSBC BANK (USA), N.A.,

Plaintiff,

- against -

PAKS HOLDINGS LLC, ANTHONY
RICCARDI, AND PATRICIA RICCARDI,

Defendants.

ORDER OF DEFAULT

19 Civ. 10193 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS Plaintiffs commenced this action in New York Supreme Court on October 1, 2019, and the action was removed to this Court on November 1, 2019 (Dkt. No. 1);

WHEREAS Defendants PAKS Holdings, LLC and Patricia Riccardi filed an Answer to the Complaint on November 9, 2019 (Dkt. No. 8)

WHEREAS counsel representing PAKS Holdings, LLC and Patricia Riccardi moved to withdraw from this case on July 2, 2020 (Dkt. No. 24)

WHEREAS the Court granted that motion on August 4, 2020, and directed that

[i]f Patricia Riccardi has not retained counsel by August 27, 2020, she must call in for the scheduled telephone conference [on that day]. Counsel for PAKS Holding, LLC must also participate in the [August 27, 2020] telephone conference. If Defendant Patricia Riccardi does not appear telephonically at the scheduled telephone conference, and if Defendant PAKS Holdings, LLC, has not secured new counsel by that date and/or does not participate in the scheduled telephone conference, the Court will entertain motions for a default judgment against both Defendants.

(Dkt. No. 31);

WHEREAS corporate defendants “can only appear in court through an attorney, and may not proceed pro se,” Hounddog Prods., L.L.C. v. Empire Film Grp., Inc., 767 F. Supp. 2d 480, 486 (S.D.N.Y. 2011);

WHEREAS no new counsel has filed a notice of appearance for PAKS Holdings, LLC;

WHEREAS neither Patricia Riccardi nor counsel for PAKS Holdings, LLC appeared at the August 27, 2020 conference;

WHEREAS on September 11, 2020, Plaintiff filed a motion for a default judgment against Patricia Riccardi and PAKS Holdings, LLC (Dkt. No. 42);

WHEREAS this Court issued an Order to Show Cause why default judgment should not be entered against these Defendants and scheduled a hearing for October 22, 2020 (Dkt. No. 45);

WHEREAS Plaintiff served by Federal Express the Order to Show Cause on Patricia Riccardi and PAKS Holdings, LLC on September 21, 2020 (Dkt. No. 46);

WHEREAS Defendants have filed no opposition to Plaintiff's motion for a default judgment and did not appear at the October 22, 2020 hearing;

An order of default is entered against Defendants Patricia Riccardi and PAKS Holdings, LLC, and this matter is referred to Magistrate Judge Cott for an inquest into damages. The Clerk of Court is directed not to close this case.

Dated: New York, New York
October 22, 2020

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge